

City Council

REGULAR MEETING

Tuesday, November 15, 2016, 6:00 P.M.
Council Chambers



Joel R. Price, Mayor
Claudia Bill-de la Peña, Mayor Pro Tem
Andrew P. Fox, Councilmember
Al Adam, Councilmember
Rob McCoy, Councilmember

Executive Team

Andrew P. Powers, Interim City Manager
Gary Rogers, Deputy City Manager/HR Director
Mark A. Towne, Interim Community Dev. Director
Cynthia M. Rodriguez, City Clerk
Barry McComb, Cultural Affairs Director
Jim Friedl, General Manager, CRPD

Tracy M. Noonan, City Attorney
John F. Adams, Finance Director/City Treasurer
Jay Spurgin, Public Works Director
Heather Cousin, Library Director
Tim Hagel, Police Chief
Theodore E. Smith, Fire Chief

MISSION STATEMENT:

Extraordinary Service to the Citizens We Serve is Our Purpose

Americans with Disabilities Act (ADA): In compliance with ADA, if you need special assistance to participate in this meeting or other services in conjunction with this meeting, please contact the City Clerk Department, (805) 449-2151. Assisted listening devices are available at this meeting. Ask City Clerk staff if you desire to use this device. Upon request, the agenda and documents in this agenda packet can be made available in appropriate alternative formats to persons with a disability. Notification at least 48 hours prior to the meeting or time when services are needed will assist City staff in assuring reasonable arrangements can be made to provide accessibility to the meeting or service.

The following is provided to assist with public participation:

Agenda Availability: The City Council Agenda is posted at the entry to the Civic Arts Plaza/City Hall, 2100 E. Thousand Oaks Boulevard, Thousand Oaks [main posting location pursuant to the Brown Act, G.C. 54954.2(a)]. City Council Agenda Packets are available for review at the City Clerk Department, 2100 E. Thousand Oaks Boulevard, Thousand Oaks. Agenda packet and “Live and Archived” meetings and minutes are available on the City’s website at www.toaks.org. Televised City Council Meetings are re-broadcast Thursday and Sunday (following meeting) at 10:00 a.m. and 6:00 p.m. on TOTV, Channel 10.

Supplemental Information: Any agenda related information received and distributed to the City Council after the Agenda Packet is printed is included in Supplemental Packets. Supplemental Packets are produced as needed, typically a minimum of two—one available on the Thursday preceding the City Council meeting and the second on Tuesday at the meeting. The Thursday Supplemental Packet is available for public review in the City Clerk Department, 2100 E. Thousand Oaks Boulevard, during normal business hours (main posting location pursuant to the Brown Act, G.C. 54957.5(b)(2)). Both the Thursday and Tuesday Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2100 E. Thousand Oaks Boulevard and on the City’s website.

Please be advised that communications directed to the City Council are public records, and are subject to disclosure pursuant to the California Public Records Act and Brown Act unless exempt from disclosure under the applicable law. Communications will NOT be edited for redactions; will be printed/posted as submitted.

Public Input: Any person who wishes to speak regarding an item on the regular agenda or on a subject within the City’s jurisdiction during “Public Comments” is requested to file a “Public Speaker” card with City Clerk staff before that portion of the Agenda is called. Any person who wishes to speak on a specific agenda item is requested to file a “Public Speaker” card before the specific item is called. Any person who wishes to speak on a Public Hearing is requested to file a “Public Speaker” card before the Hearing is called. Persons addressing the City Council are requested to state their name and community of residence for the record. Any supporting materials should be submitted to the City Clerk before addressing the Council. These materials are also considered a public record pursuant to the California Public Records Act and Brown Act unless exempt from disclosure under the applicable law.

Special Meeting Public Input: Only issues listed on a special meeting agenda may be addressed pursuant to the Brown Act/Special Meetings.

Consent Calendar: Matters listed on Consent Calendar that do not require significant reporting and/or discussion for decision or considered to be routine, will be approved by one motion as recommended. There will be no separate discussion unless Councilmember or staff member requests separate discussion prior to approval.

Judicial Review: Any legal action by an applicant seeking to obtain a judicial review of the City Council’s decision on a Hearing or issue listed on this Agenda may be subject to the 90-day filing period, of and governed by, Code of Civil Procedure Section 1094.6. Also refer to TOMC Section 1-4.05.

CITY OF THOUSAND OAKS CITY COUNCIL AGENDA

Thousand Oaks, California

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November 15, 2016

RES. NO. 2016-066
ORD. NO. 1624-NS

1. CALL TO ORDER: 6:00 p.m.
2. PLEDGE OF ALLEGIANCE:
3. ROLL CALL: Councilmembers Fox, Adam, McCoy, Bill-de la Peña, and Mayor Price
4. REQUESTS FOR CONTINUANCE OF ANY PUBLIC HEARING OR AGENDA ITEM:
5. SPECIAL PRESENTATIONS AND ANNOUNCEMENTS:
6. PUBLIC COMMENTS:
7. CONSENT CALENDAR:

(See Exhibit A pages 7 thru 8 for Consent Calendar listing)
8. DEPARTMENT REPORTS:

A. [Alliance for the Arts Statutory Merger into Thousand Oaks Civic Arts Plaza Foundation](#)

RESOLUTION ESTABLISHING THOUSAND OAKS CULTURAL AFFAIRS COMMISSION AND RESCINDING RESOLUTION 2010-094

RES. NO. 2016-

RECOMMENDATION:

1. Consent to statutory merger of Alliance for the Arts into Thousand Oaks Civic Arts Plaza Foundation
2. Ratify Amended and Restated Articles of Incorporation for Thousand Oaks Civic Arts Plaza Foundation
3. Ratify Restated Bylaws for Thousand Oaks Civic Arts Plaza Foundation
4. Ratify appointment of Robert Biery, John Bradley, Eloise Cohen, Judith Linton, David Mead, and Leanne Nielson to serve on Board of Directors for new organization

8. DEPARTMENT REPORTS: (Continued)

- A. Alliance for the Arts Statutory Merger into Thousand Oaks Civic Arts Plaza Foundation (Continued)

RECOMMENDATION: (Continued)

5. Approve Memorandum of Understanding (“MOU”) between City and Thousand Oaks Civic Arts Plaza Foundation to become effective upon State approval of statutory merger and contingent on City Attorney approval of MOU in final form
6. Pursuant to Memorandum of Understanding, approve budget appropriation and expenditure in amount of \$4,000,000 A/C 001-0000-311-1000 (General Fund– Fund Balance) to A/C 001-1250-674-5290 (Arts Services – Grants and Donations) for one-time contribution
7. Pursuant to Memorandum of Understanding, approve budget appropriation and expenditure in amount of \$100,000 (\$50,000 for FY 2016-17 and \$50,000 for FY 2017-18) A/C 001-0000-311-1000 (General Fund – Fund Balance) to A/C 001-1250-674-1210 (Arts Services – Temporary/Hourly Employees) for temporary Alliance for the Arts staff
8. Approve Agreement with Thousand Oaks Civic Arts Plaza Foundation to provide concession services for Bank of America Performing Arts Center for a term of 30 months running from January 3, 2017 through June 30, 2019
9. Adopt resolution amending Cultural Affairs Commission membership to designate two seats currently nominated by Alliance for the Arts to two seats nominated by Thousand Oaks Civic Arts Plaza Foundation; appoint Alliance for the Arts representatives John Bradley and Eloise Cohen to complete their current terms as designated representatives for Thousand Oaks Civic Arts Plaza Foundation

9. PUBLIC HEARINGS:

- A. [Appeal of Planning Commission decision regarding Residential Planned Development Permit Major Modification \(RPMJ 2016-70123\)](#) deletion of solar awnings and solar mansard roofs on patio covers at two office buildings; Located: 4165 East Thousand Oaks Boulevard; Applicant/Appellant: Selvin Properties

RESOLUTION DENYING APPEAL OF PLANNING COMMISSION DECISION THAT APPROVED, IN PART, RPMJ 2016-70123 LOCATED AT 4165 EAST THOUSAND OAKS BOULEVARD (APPLICANT/APELLANT: SELVIN PROPERTIES) RES. NO. 2016-_____

RECOMMENDATION: Adopt resolution to deny appeal, thereby upholding Planning Commission's decision to approve project in part, without solar awnings on building and without solar mansard roofs on patio covers

- B. [Wastewater and Water Connection Charge Annual Adjustments](#)

ORDINANCE ADJUSTING AND SETTING RATES, FEES AND DISCHARGE LIMITS OF CITY WASTEWATER DIVISION (UNCODIFIED) ORD.NO. 1stReading

ORDINANCE ADJUSTING AND SETTING RATES AND FEES OF CITY WATER DIVISION (UNCODIFIED) ORD.NO. 1stReading

RECOMMENDATION:

1. Ordinance adjusting and setting rates and fees for City Wastewater Division to be read in title only, further reading be waived, and if no objection, introduced (Proposition 218 protest hearing does not apply)
2. Ordinance adjusting and setting rates and fees for the City Water Division to be read in title only, further reading be waived, and if no objection, introduced (Proposition 218 protest hearing does not apply)

10. COMMITTEE/COMMISSION/BOARD REPORTS:

- A. [FY 2016-17 Sports Facilities Endowment Fund \(SFEF\)](#) Grants (Community Funding Review Committee)

RECOMMENDATION:

1. Award seven FY 2016-17 Sports Facilities Endowment Fund grants totaling \$71,140 to applicants identified in report
2. Authorize expenditure in amount of \$71,140 A/C 001-1120-611-5920 (SF2017, City Endowment Grant Account)

11. CITY COUNCIL AS SUCCESSOR AGENCY TO THOUSAND OAKS REDEVELOPMENT AGENCY REPORTS: None

12. COUNCIL ISSUES/RECOMMENDATIONS:

- A. Follow-up reports on meetings/conferences attended by Councilmembers

13. CITY MANAGER:

- A. Follow-up items
- B. Announcements and upcoming issues

14. CLOSED SESSION: City Council Conference Room 2nd floor

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: *GRISELDA CASTRO, et al. v CITY OF THOUSAND OAKS, et al.*; Case No. 56-2013-00432039-CU-PA-VTA; Pursuant to Government Code Section 54956.9(a)

15. PUBLIC NOTICES: None.

16. ADJOURNMENT:

Adjourn to Regular Meeting December 6, 2016

Agenda Post Date/Time: November 10, 2016, 5:00 p.m.

EXHIBIT A

7. CONSENT CALENDAR:

*RECOMMENDATIONS FOR ITEMS A. THROUGH H. ARE TO APPROVE
RECOMMENDATIONS FOR ITEMS I. THROUGH J. ARE TO ADOPT*

- A. General, Utilities, Golf Course, and Theatres Demands – ratify November 9, 2016; approve November 16, 2016; approve November 23, 2016 and November 30, 2016, subject to review and ratification
- B. [Minutes of City Council meeting of November 1, 2016](#)
- C. Approved Expenditure: [Citywide records storage, retrieval, and destruction services](#); professional services agreement with Iron Mountain Information Management, LLC in amount not-to-exceed \$400,000; term: 12/1/16 – 11/30/21; expenditure not-to-exceed \$400,000 A/C 001-2310-612-6420; funding for future years to be requested during upcoming biennial budget process
- D. Approved Expenditure: [Purchase of five reservoir mixers \(CI 5335\)](#) from Doane & Hartwig Water Systems in amount not-to-exceed \$217,500; transfer and expenditure not-to-exceed \$217,500 A/C 612-5310-682-8300 (CI 5335, Water/ Reservoir Mixing Improvements) to A/C 612-8050-685-8400 (CI 5335, Water/Reservoir Mixing Equipment)
- E. Approved Expenditure: [Wastewater Main Line Extension Reimbursement Agreement](#) with Park Vista ALC, LLC for project located on Arcturus Street
- F. Approved Expenditure:: [Fiscal Years 2017-18 & 2018-19 Budget Calendar](#) establishing study sessions and public hearing dates for Fiscal Years 2017-18 & 2018-19 Operating Budget, Capital Improvement Program Budget, and User Fees

7. CONSENT CALENDAR: (Continued)

- G. Approved Expenditure: [Utility Management Software and Civic Arts Plaza \(CAP\) Submetering \(CI 5338\)](#); Professional Services Agreement with Digital Energy for continuation of engineering services in amount of \$12,000; approximate term: 12/1/16 – 11/30/17; Professional Services Agreement with Digital Energy for continued implementation of Utility Management Software in amount of \$45,000; term: 12/1/16 – 11/30/19, with two one-year options to extend; transfer \$150,000 from A/C 001-5010-631-8300 (CI 5338, Improvements Other than Buildings), and \$42,776 from A/C 001-5010-631-5699 (CI 5338, Contracted Services) with \$45,000 to A/C 001-3570-612-5699; \$73,888 to A/C 001-3570-612-8300 (CI 5338, Improvements Other than Buildings) and \$73,888 to A/C 001-3577-677-8300 (CI 5338, Improvements Other than Buildings); expenditure in amount of \$45,000 from A/C 001-3570-612-5699 (General Administration/Other) and \$12,000 (\$6,000 from A/C 001-3570-612-8300 (CI 5338, Improvements Other than Buildings) and \$6,000 from A/C 001-3577-677-8300 (CI 5338, Improvements Other than Buildings))
- H. Approved Expenditure: [1994-1 Community Facilities District \(Marketplace Public Pedestrian, Traffic Circulation, and Parking Facilities\) Annual Report](#); receive and file report in compliance with the Local Agency Special Tax Bond and Accountability Act
- I. No Appropriation/Expenditure Required: [Solid Waste Collection and Recycling Rate Adjustments resolution effective January 1, 2017](#)

RESOLUTION ESTABLISHING 2017 RESIDENTIAL AND COMMERCIAL SOLID WASTE RATE SCHEDULES RES. NO. 2016-

ORDINANCE FOR SECOND READING:

- J. [ORDINANCE ADDING TO THOUSAND OAKS MUNICIPAL CODE](#) NEW CHAPTERS 1 (BUILDING CODE), 6 (MECHANICAL CODE), 7 (RESIDENTIAL CODE), 8 (PLUMBING CODE), 10 (ELECTRICAL WIRING CODE), 14 (UNIFORM SOLAR ENERGY CODE), 16 (GREEN BUILDING STANDARDS CODE) AND 17 (EXISTING BUILDING CODE) OF TITLE 8 RELATING TO BUILDING DIVISION AND ADOPTING CALIFORNIA BUILDING, RESIDENTIAL, GREEN BUILDING STANDARDS, MECHANICAL, PLUMBING, ELECTRICAL AND EXISTING BUILDING CODES (2016 EDITION) AND UNIFORM SOLAR ENERGY CODE (2015 EDITION) BY REFERENCE AND REPEALING EXISTING CHAPTERS 1, 6, 7, 8, 10, 14 AND 16 OF TITLE 8 OF MUNICIPAL CODE (MCA 2016-70340) (Introduced 11/1/16, 5-0) ORD.NO. 1624-NS